IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA SPARTANBURG DIVISION

Vanida Khautisen, as Personal Representative of the Estate of Khouanexay Bill Sivilay,) C.A. No. 7:21-cv-03775-TMC
PLAINTIFF,)
v.) CONSENT MOTION TO AMEND) THIRD AMENDED CONSENT
BHG Holdings, LLC, and BHG XXXVIII, LLC,) SCHEDULING ORDER
DEFENDANTS.	
)

Defendants BHG Holdings, LLC and BHG XXXVIII, LLC pursuant to Local Civil Rule 6.01 (D.S.C.), move before this Honorable Court to amend the Third Amended Consent Scheduling Order entered in this case on October 26, 2022. ECF No. 60. *Plaintiff consents to this motion*.

The Parties respectfully show unto the Court as grounds for this Consent Motion the following:

- a) The Parties have engaged in extensive written discovery and depositions, and are working to schedule depositions of fact witnesses, some of whom are no longer employed by Defendants;
- b) Due to recent finding of previously unknown fact witnesses, more depositions are required than previously anticipated;
- c) Due to Plaintiff's counsel's recent involvement in a six week, highly publicized trial, many of the witnesses' depositions were required to be delayed (with consent of Defendant);
- d) At this time, the Parties anticipate at least six depositions, including a 30(b)(6) deposition in Missouri, taking place over the next 30-60 days;
- e) All expert depositions are complete, but both parties' experts may need to supplement their reports prior to trial;

- f) The current Amended Scheduling Order governing this action is attached as Exhibit 1, which contains the current deadlines;
- g) The Court has entered three amended scheduling orders, and this will be the fourth; and
- h) By way of their proposed Fourth Amended Scheduling Order, the Parties seek an extension of all forthcoming deadlines as set forth below, which includes approximately a 90-120 day extension of the current dates which this action is subject to be called for trial. The forthcoming deadlines and proposed new deadlines are as follows:

<u>Item</u>	Current Deadline	Proposed New Deadline
Affidavits of Records Custodian	April 21, 2023	July 28, 2023
End of Discovery	April 21, 2023	July 28, 2023
Mediation	May 1, 2023	May 31, 2023
Motions	May 5, 2023	August 18, 2023
Trial	July 17, 2023	October 16, 2023

WHEREFORE, the Parties move the Court for entry of a Fourth Amended Scheduling Order (a Proposed Order will be presented to the Court along with this Motion).

WITH CONSENT:

s/Phillip Barber (*with permission*)

Richard A. Harpootlian (Fed ID No.1730)
Phillip D. Barber (Fed ID No. 12816)
Richard A. Harpootlian, P.A.
1410 Laurel Street (29201)
PO Box 1090
Columbia, SC 29202
(803) 252-4848 -Telephone
rah@harpootlianlaw.com
pdb@harpootlianlaw.com

s/Chance M. Farr

Chance M. Farr (Fed ID No. 12522)
William B. Darwin, Jr. (Fed ID No.5422)
Todd R. Flippin (Fed ID No. 11753)
Holcombe Bomar, P.A.
PO Box 1897
Spartanburg, SC 29306
(864) 594-5300 - Telephone
cfarr@holcombebomar.com
kdarwin@holcombebomar.com
tflippin@holcombebomar.com

Attorneys for Defendants

Matthew E. Yelverton (Fed ID No. 7966) Yelverton Law Firm, LLC 60 Folly Road Charleston, SC 29407 (843) 574-8824 – Telephone myeleverton@ylitigators.com

Attorneys for Plaintiff

April 5, 2023 Spartanburg, SC